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Attorneys for WAYMO LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

UBER TECHNOLOGIES, INC.;  
OTTOMOTTO LLC; OTTO TRUCKING  
LLC,

Defendants.

CASE NO. 3:17-cv-00939-WHA

**DECLARATION OF ANDREA PALLIOS  
ROBERTS IN SUPPORT OF PLAINTIFF  
WAYMO'S LETTER BRIEF RE JACOBS-  
RELATED DISCOVERY**

Judge: Hon. William H. Alsup

Trial Date: February 5, 2018

1 I, Andrea Pallios Roberts, hereby declare as follows.

2 1. I am a member of the bar of the State of California and Counsel with Quinn  
3 Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Waymo LLC (“Waymo”). I make this  
4 declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and  
5 would testify competently as follows.

6 2. I attended a telephonic meet and confer on December 4, 2017, during which the  
7 Special Master instructed Uber to provide a log of each attorney at MoFo who received the Jacobs  
8 documents, with the date and time he or she received it, and entries of all written communications  
9 to or from the attorneys about the Jacobs documents. Attached as Exhibit 1 is a true and correct  
10 copy of an email from James Judah dated December 4, 2017, which memorialized the meet and  
11 confer.

12 3. I attended a telephonic meet and confer on December 6, during which the Special  
13 Master directed Uber to produce a log of all pre-November 22 communications among MoFo  
14 attorneys on the *Waymo* litigation team, or between those attorneys and Uber, or between those  
15 attorneys and any other law firm (excluding WilmerHale) that has represented Uber in this matter,  
16 regarding the Jacobs documents by midnight that day. No log was provided by that deadline. The  
17 Special Master also directed Uber to produce a log of all pre-November 22 communications  
18 involving the three Jacobs documents among any MoFo attorneys, whether or not on the Waymo  
19 litigation team, by December 11. Attached hereto as Exhibit 2 is a true and correct copy of an  
20 email from Wendy Ray to counsel in this action, which memorialized the December 6 meet and  
21 confer.

22 4. I attended another telephonic meet and confer on December 7, during which the  
23 Special Master reiterated his directive regarding the logs. After that meet and confer, Uber  
24 provided a summary, which stated that MoFo was only required to “provide a log of  
25 communications of MoFo attorneys on the Waymo trial team involving the three Jacobs  
26 documents up until November 22.” Waymo responded to that summary with edits in red,  
27 clarifying that MoFo was to provide “a log of all communications that includes a separate entry for  
28

1 every communication by or to any MoFo attorneys, whether on the Waymo trial team or not,  
2 involving the three Jacobs documents or any allegations in the three Jacobs documents up until  
3 November 22.” Attached as Exhibit 3 is a true and correct copy of an email from David Perlson to  
4 counsel in this matter, which memorialized the December 7 meet and confer.

5 5. I attended a telephonic meet and confer on December 11, during which MoFo  
6 contended it was never ordered to produce a log of all communications by or to any MoFo  
7 attorneys, whether or not on the trial team, involving the three Jacobs documents or allegations set  
8 forth therein and refused to do so.

9 6. Attached hereto as Exhibit 4 is a true and correct copy of a an email from David  
10 Perlson to counsel in this action, dated December 10, 2017.

11 7. Attached hereto as Exhibit 5 is a true and correct copy of “Uber's Privilege Log Re  
12 Communications with Trial Team Re Jacobs Documents pre November 22, 2017,” served by Uber  
13 to Waymo on December 10.

14 8. Attached hereto as Exhibit 6 is a true and correct copy of WilmerHale’s “Log of  
15 Communication with Trial Counsel Firms Through November 21, 2017,” served by counsel for  
16 WilmerHale on December 8, 2017.

17 9. Attached hereto as Exhibit 7 is a true and correct copy of an email from Karen  
18 Dunn to counsel in this action, dated December 11, 2017.

19 10. Attached hereto as Exhibit 8 are a true and correct copies of emails sent from Ethel  
20 Villegas to counsel in this action, dated December 10 and 11, 2017.

21 11. Attached hereto as Exhibit 9 is a true and correct copy of a document produced by  
22 Uber and bearing Bates number UBER00335085, which disclose meeting minutes from an Uber  
23 Board of Directors meeting dated June 22, 2017.

24 12. Attached hereto as Exhibit 10 is a true and correct copy of Defendants’ Objections  
25 and Responses to Plaintiff’s Requests for Production Relating to Issues in Jacobs Letter, dated  
26 December 11, 2017.

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Andrea Pallios Roberts

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Charles K. Verhoeven